

20050706-25MA06184200.pdf

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, Fifth Floor
P.O. Box 45029
Newark, New Jersey 07101

FILED

July 6, 2005

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: Tara Adams Ragone
Deputy Attorney General
(973) 648-7093

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

CARLOS G. RIVERA, M.D.
License No. MA61842

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action

INTERIM CONSENT ORDER

This matter was opened to the New Jersey State Board of Medical Examiners (hereinafter the "Board") upon receipt of investigative information pertaining to Respondent, Carlos G. Rivera, M.D. (hereinafter "Respondent"). On December 1, 2004, Respondent appeared with counsel before the Preliminary Evaluation Committee of the Board to discuss this matter. The Board's investigation is ongoing. Respondent, through counsel, has advised the Board that he wishes to resolve this matter on an interim basis in accordance with the terms of this Order.

The Board being satisfied that entry of the within Order is adequately protective of the public health, safety, and welfare, and being satisfied that good cause exists for entry of the within Order,

CERTIFIED TRUE COPY

IT IS on this 6th day of July, 2005

HEREBY ORDERED AND AGREED THAT:

1. Respondent, Carlos G. Rivera, M.D., will undergo at his own expense a full evaluation and assessment (hereinafter "the assessment") by the Center for *Personalized Education for Physicians* (hereinafter "CPEP") of his clinical medical skills and knowledge.
 - a. Respondent agrees to contact CPEP and schedule the assessment within three weeks of entry of this Order. Respondent shall provide the Board and Deputy Attorney General Tara Adams Ragone with documentation confirming the scheduling of the assessment within said time period.
 - b. Respondent authorizes the Board to release to CPEP any investigative material in the Board file that the Board believes will facilitate a complete evaluation including, but not necessarily limited to, certified true copies of Respondent's patient records and a copy of the transcript of Respondent's testimony before a Committee of the Board on December 1, 2004. Said release to CPEP shall not entitle Respondent or any member of the public to a copy of said documents to the extent they are confidential pending final disposition of the Board's investigation pursuant to N.J.S.A. 45:9-19.3.
 - c. Respondent agrees to waive any claims of confidentiality he may have concerning any report that may be prepared by CPEP, and Respondent specifically acknowledges that he is aware that any such report may be introduced as a matter of public record in the future.

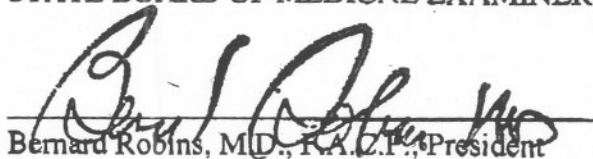
- d. Respondent shall authorize CPEP to communicate directly with the Board and Deputy Attorney General Tara Adams Ragone and to provide a copy of CPEP's report of assessment within one week of its finalization or at the time it is provided to Respondent, whichever is earlier.
 - e. The parties contemplate that the Board will consider any CPEP report, including any recommendations contained therein, as well as the Board's investigative file in its evaluation of what further action, if any, is appropriate in this matter.
 2. Respondent immediately shall transfer all existing patients whom Respondent is treating for chronic pain to a pain management specialist and cease and desist from prescribing any controlled dangerous substances (hereinafter "CDS") for said patients or any future chronic pain patients until further order of the Board.
 3. Respondent immediately shall cease and desist from prescribing to any patient Oxycontin, Duragesic patches, and/or Methadone until further order of the Board.
 4. Respondent immediately shall refrain from prescribing any Schedule II or III CDS to any patient whom Respondent has not treated and/or evaluated on a prior occasion in the course of his routine medical practice and for whom Respondent has not maintained a patient record in the ordinary course of business until further order of the Board.
 5. With respect to any prescription for Schedule II or III CDS written by Respondent, to the extent said prescription is not otherwise prohibited by paragraphs 2, 3, and/or 4 herein, Respondent shall, until further order of the Board:

- a. Limit said prescription to no longer than a three (3) day supply of a medically appropriate dosage of the CDS, with no refills and no renewal of said prescription to the same patient; and
 - b. Provide the Medical Director of the Board within five (5) days of writing the prescription with a copy of the prescription and the pertinent information from the patient's medical record justifying the medical need for said prescription.
6. In the event Respondent determines that it is medically necessary to issue a prescription for a Schedule II or III CDS that otherwise would be prohibited by the terms of this Order, Respondent agrees first to seek the express authorization of the Medical Director of the Board by faxing a detailed explanation of the medical facts relevant to such a determination to said Medical Director.
7. Respondent shall forward all information required by the terms of this Order to the following addresses:
 - a. William V. Roeder, Executive Director
State Board of Medical Examiners
P.O. Box 183
Trenton, New Jersey 08625-0183
 - b. Joseph Gluck, M.D. Medical Director
State Board of Medical Examiners
Facsimile: (609) 984-3930
 - c. Deputy Attorney General Tara Adams Ragone
Division of Law
State of New Jersey
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, New Jersey 07101

Facsimile: (973) 648-7782

8. The parties hereby stipulate that entry of this Order is without prejudice to further investigation and/or action by this Board resulting from Respondent's conduct. The parties further stipulate that the entry of this Order is without admission of any wrongdoing by Respondent.
9. Respondent acknowledges that he is aware that his failure to comply with any of the conditions contained in this Order shall be deemed to constitute professional misconduct and therefore to constitute grounds for formal disciplinary action pursuant to N.J.S.A. 45:1-21(e).

STATE BOARD OF MEDICAL EXAMINERS


Bernard Robins, M.D., F.A.C.P., President

I have read and understood the foregoing Order and agree to be bound by its terms.


Carlos G. Rivera, M.D.

Consented to as to form.


Gregory W. Vella, Esq.